

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen Anthony BURBIDGE et al
US National Application Number 10/018,640
PCT Serial No.: PCT/GB00/02516 PCT Legal Exam: L. Smith
International Filing Date: 30 June 2000 Priority Date: 01 July 1999
Title: NEW USES FOR POTASSIUM CHANNEL OPENERS

Commissioner for Patents
Box PCT
Washington, DC 20231
Attention: Office of PCT Legal Administration

**PETITION TO CORRECT INVENTORSHIP IN PCT REQUEST and 35 USC 371
APPLICATION**

This is a response to Notification in Response to Applicants' submission, filed 20 March 2002, received April 26, 2002.

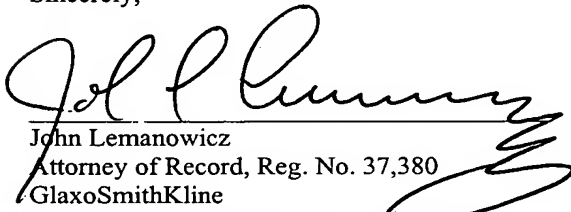
In reference to the above patent application, attached is the statement under 37 CFR 1.497(d) by Jonathan Dupere who states that he is the inventor listed on the PCT Request and that because of a typographical error, his name was incorrectly entered as Joseph instead of Jonathan.

Jonathan Dupere corrected his 35 USC 371 declaration by crossing out the name Joseph, entering his first name Jonathan and initialing his correction. This declaration was sent in as a response to Notice of Missing Requirements on March 20, 2002 and a copy is also attached to this petition.

Also attached, as stated under 37 CFR 1.497(d) is the written consent of the assignee under §3.73(b). Since we have not received the reel/frame number for the recordation of these assignments we have included copies of each inventor's assignments. Please note that our entity name, as far as assignment are concerned, is now SmithKline Beecham Corp., formerly Glaxo Wellcome Inc.

Please charge our deposit account 07-1392 for fees set forth in §1.17(9) and any other fee associated with this petition. A duplicate copy of this document is also enclosed.

Sincerely,


John Lemanowicz
Attorney of Record, Reg. No. 37,380
GlaxoSmithKline
Corporate Intellectual Property Department
Five Moore Drive, PO Box 13398
Research Triangle Park, NC 27709

Date: June 26, 2002

05/06/2003 LLANDGRA 00000102 071392 10018640

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PG3733USW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Stephen Anthony BURBIDGE et al

PCT Serial No.: PCT/GB00/02516

PCT Legal Exam: Leonard E. SMITH

International Filing Date: 30 June 2000

Priority Date: 01 July 1999

For: NEW USES FOR POTASSIUM CHANNEL OPENERS


Commissioner for Patents
Washington D.C. 20231STATEMENT UNDER 37 CFR §1.497(d) OF NO DECEPTIVE
INTENT IN FAILING TO NAME INVENTOR

Sir:

I, Jonathan DUPERE, do hereby declare and say as follows:

At the time of filing the PCT International Application, I was named as an inventor but because of a typographical error, my name was listed as Joseph Dupere instead of my correct name, Jonathan Dupere. This error in inventorship of the PCT International patent application occurred without any deceptive intent on my part.

I hereby declare that all statements made herein, of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued therefrom.


Jonathan DUPERE.

Date

25/6/02

#9
531 Rec'd PCT/PTC 26 JUN 2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Stephen Anthony BURBIDGE et al			Docket No. PG3733USW
Serial No. 10/018,640	Filing Date	Examiner L. SMITH	Group Art Unit
Invention: NEW USES FOR POTASSIUM CHANNEL OPENERS			
<p>I hereby certify that this <u>Resp. to Notification in Resp. to App's submission filed 20 March 2002 with Petition</u> (Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.</p> <p>20231-0001 on <u>June 26, 2002</u> (Date)</p> <p><u>Elaine Martens</u> (Typed or Printed Name of Person Mailing Correspondence)</p> <p><u>Elaine Martens</u> (Signature of Person Mailing Correspondence)</p> <p><u>EV022026985US</u> (("Express Mail" Mailing Label Number))</p> <p>Note: Each paper must have its own certificate of mailing.</p>			



26 APR 2002

David J. Levy, Corporate Intellectual Property
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In re Application of
BURBIDGE, Stephen Anthony, et al.
Application No.: 10/018,640
PCT No.: PCT/GB00/02516
Int. Filing Date: 30 June 2000
Priority Date: 01 July 1999
Attorney's Docket No.: PG3733USW
For: NEW USES FOR POTASSIUM
CHANNEL OPENERS

SCH Docket No: PG 3733USW
Attorney: BLD
Paper: 2 MO. OA *DECLARATION DUE*
Due Date: 26 JUN 02
Deadline: 26 OCT 02
Recorded: IPSS / REDBOOK
NOTIFICATION

This Notification is in response to applicants' submission, filed 20 March 2002.

BACKGROUND

On 30 June 2000, applicants filed international application PCT/GB00/02516, which claimed a priority date of 01 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 January 2001. On 12 December 2000, applicants filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight 02 January 2002 (01 January 2002 was a holiday).

On 19 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 February 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 19 February 2002, applicants filed five declarations and the fee for late filing of the declaration.

On 06 March 2002, the Office mailed a Notification of Defective Response, indicating that the fourth inventor had not signed the declaration.

On 20 March 2002, applicants submitted a declaration executed by Jonathan Dupere, along with copies of the earlier filed declarations.

DISCUSSION

Under 37 CFR 1.41(a)(4), the inventors who submitted an application under §1.494 or §1.495 are the inventors in the international application designating the United States. The inventors in the international application include the inventors named upon filing of the international application or resulting from any changes made under Rule 92bis in the international stage. The record does not reflect any such requests under Rule 92bis during the international stage.

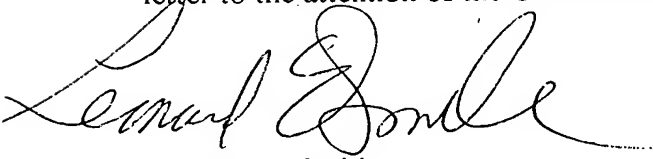
The inventors in the international application are Stephen Anthony Burbidge, Jeffrey John Clare, Brian Cox, Joseph Dupere, Russell Michael Hagan and Xinmin Xie. The inventors on the declaration are Stephen Anthony Burbidge, Jeffrey John Clare, Brian Cox, Jonathan Dupere, Russell Michael Hagan and Xinmin Xie. As Jonathan Dupere is not the same as Joseph Dupere, the declaration fails to comply with 37 CFR 1.497(a)(3).

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Attention is directed to MPEP §605.04(c) and the requirement for a petition under 37 CFR 1.182 contained therein, if there has been a change of name. If there was an error in the inventive entity listed on the international application, attention is directed to 37 CFR 1.497(d). ✓

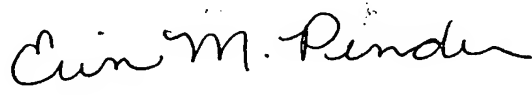
CONCLUSION

A proper response as indicated above must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration



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